

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

337B0616

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB138** - 1/29/98

Introduced by: Senators Vitter, Aker, Albers, Benson, Brosz, Brown (Arnold), Drake, Dunn (Jim), Everist, Frederick, Hainje, Ham, Johnson (William), Kleven, Shoener, and Staggars and Representatives Rost, Fitzgerald, Madden, and Pederson (Gordon)

1 FOR AN ACT ENTITLED, An Act to revise the circumstances permitting warrantless arrests.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 23A-3-2.1 be amended to read as follows:

4 23A-3-2.1. ~~A~~ Unless the provisions of § 22-18-5 apply, a law enforcement officer shall arrest
5 and take into custody, pending release on bail, personal recognizance, or court order, a person,
6 without a warrant, if the officer has probable cause to believe that:

7 (1) An order has been issued under chapter 25-10 protecting the victim and the terms of
8 the order prohibiting acts or threats of abuse or excluding the person from a residence
9 have been violated; or

10 (2) The person is eighteen years or older and within the preceding four hours has
11 assaulted:

12 (a) That person's spouse;

13 (b) That person's former spouse;

14 (c) The mother or father of that person's child; or

1 (d) Any person ~~eighteen~~ twenty years of age or older with whom that person
2 resides or has formerly resided;

3 and the officer believes:

4 (a) An aggravated assault has occurred;

5 (b) An assault has occurred which has resulted in bodily injury to the victim,
6 whether the injury is observable by the responding officer or not; or

7 (c) An attempt by physical menace has been made to put another in fear of
8 imminent serious bodily harm.

1 **BILL HISTORY**

2 1/21/98 First read in Senate and referred to Judiciary. S.J. 140

3 1/28/98 Scheduled for Committee hearing on this date.

4 1/28/98 Judiciary Do Pass Amended, Passed, AYES 6, NAYS 1. S.J. 228